

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Dennis M. Cavanaugh
Crim. No. 09-806
v. : CONTINUANCE ORDER
DAMIAN SPENCER, and :
KAMAAL MCQUEEN

This matter having come before the Court on the application of defendant Damian Spencer (by Thomas R. Ashley, Esq.), and with the consent of Paul J. Fishman, United States Attorney for the District of New Jersey (by Eric W. Moran, Assistant U.S. Attorney), for an order granting a continuance of the proceedings in the above-captioned matter, and the defendant being aware that he has the right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to Title 18 of the United States Code, Section 3161(c)(1), and as the defendant has requested such a continuance, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. Plea negotiations are currently in progress, and both the United States and the defendant desire additional time to finalize a plea agreement, which would render trial of this matter unnecessary;

2. Defendant has requested the aforementioned continuance, and the United States has consented; and

3. Pursuant to Title 18 of the United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, on this 25 day of January, 2011,

IT IS ORDERED that defense motions shall be filed by March 7, 2011, the government's reply shall be filed by March 14, 2011, the argument of the motions is scheduled for March 21, 2011, at 2:30 p.m., and the trial is to be set by the Court; and

IT IS FURTHER ORDERED that the period from the date of the entry of this order through March 31, 2011, shall be excludable in computing time under the Speedy Trial Act of 1974, pursuant to Title 18, United States Code, Section 3161(h)(7).

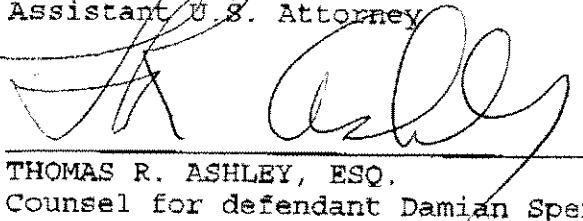


HON. DENNIS M. CAVANAUGH
United States District Judge

Form and entry
consented to:


ERIC W. MORAN

Assistant U.S. Attorney


THOMAS R. ASHLEY, ESQ.
Counsel for defendant Damian Spencer